

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date June 20, 2017
Dept. Development Services Department

Item Title: [Public Hearing to Consider Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses]

Staff Contact: [David De Vries, Development Services Director]

Recommendation:

- 1) [Conduct the public hearing; and
- 2) Introduce Ordinance No. 446 (**Attachment B**).]

Item Summary:

[The proposed zoning amendment allows for alcoholic beverage manufacturers (e.g., breweries, wineries, distilleries, brewpubs, and wine bars) to be permissible by-right in industrial and commercial zones with related accessory uses (e.g., tasting rooms, off-sale beverages, outdoor consumption in fenced area, catering on-site, live music indoors, etc.). Such uses will be required to obtain a business license and a building permit for any site improvements and comply with minimum conditions of approval and performance standards related to noise, traffic, hazardous materials, airborne emissions, etc. A zoning clearance will be required for all such operations which may be part of the business license application process. A zoning clearance would be required for all incidental alcoholic beverage sales uses such as restaurants and drug and grocery stores that sell alcohol (currently a minor use permit is required with public noticing). Single-serve alcoholic beverages for off-site consumption would also be prohibited. The City recently received a business license application for a brewery in the Heavy Commercial Zoning District. Other prospective brewers, distillers and rectifiers have shown interest in locations within Lemon Grove as well. This staff report provides background information and an overview of the proposed amendments to Chapter 18.27 (Alcoholic Beverage Sales) and Section 17.16.070 (General Commercial Zoning District Regulations).]

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|---|
| <input type="checkbox"/> Not subject to review
<input type="checkbox"/> Exempt, Section 15307 and 15308 | <input type="checkbox"/> Negative Declaration
<input checked="" type="checkbox"/> Mitigated Negative Declaration |
|--|---|

Public Information:

- | | | |
|---|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | | <input type="checkbox"/> Notice to property owners within 500 ft. |

Attachments:

- | | |
|---|--|
| A. [Staff Report
B. Ordinance No. 446 – (ZA1-500-0002) | C. Mitigated Negative Declaration ND17-02
] |
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Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 5

Mtg. Date [June 20, 2017]

Item Title: **[Public Hearing to Consider Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses]**

Staff Contact: [David De Vries, Development Services Director]

Background:

The purpose of the City's Alcoholic Beverage Sales Ordinance (Chapter 18.27 of the Lemon Grove Municipal Code) is to regulate and ameliorate problems and adverse conditions associated with establishments which sell, serve, or give away alcoholic beverages. This purpose has been implemented by providing separation requirements between alcohol related uses and from sensitive uses like churches, schools, parks, health facilities, and residential uses.

Within the last few years, the City has received inquiries and business license applications to establish new breweries, brewpubs, distilleries, and rectifiers (mixing and bottling spirits) within the City. The City recently received a business license application for a brewery in the Heavy Commercial Zoning District.

These alcoholic beverage manufacturing businesses were found to be impermissible either because the general commercial zone and/or most of the downtown village specific plan zones did not allow for alcoholic beverage manufacturing related uses or because the minimum conditions of approval in the Alcoholic Beverage Sales Ordinance require separation requirements between alcohol related businesses and other alcohol related businesses and/or sensitive land uses like schools, places of worship, medical facilities, public parks and residences. Additionally, these alcoholic beverage manufacturing related uses require a conditional use permit with additional processing times and fees and approval required by the City Council. There are incidental alcohol related land uses like drug and grocery stores and restaurants selling beer and wine that are exempt from these separation requirements, but a minor use permit is still required with conditions of approval established by the Development Services Director and public noticing to property owners within 500 feet of the prospective property and a notice in the local newspaper is still required. Also, many accessory uses that are common with breweries are not permissible in the Alcoholic Beverage Sales Ordinance. These include tasting rooms, live music both indoors and outdoors, outdoor patios, on-site catering, and the sale of growlers and kegs for off-site consumption.

The San Diego region is emerging as one of the nation's top destinations for craft brewing. Craft beer is not only an increasingly important piece of the regional economy, but is also the fastest growing segment of alcoholic beverage production in the United States¹. Breweries have become major economic drivers for cities and are supportive uses to a retail community. Unlike restaurants, almost every brewery that has opened in San Diego County has either remained open or expanded after a year. Breweries and related manufacturers also add to a City's

¹ City of San Diego Draft Economic Development Strategy 2014-2016

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employment base. According to the California Association of Local Economic Development, for each direct brewery job, beer manufacturing creates 4.7 additional jobs in wholesale, retail, and service sectors.

Local breweries also serve as a point of local pride and branding opportunity for local jurisdictions. Communities including Vista and the Miramar District in the City of San Diego have capitalized on this opportunity and are now regional beer-tasting destinations for locals and visitors to the San Diego region providing increased sales and property tax revenues for those jurisdictions. Based on conversations between staff and local breweries, an expedited and easy to understand permit process and a single point of contact are some of the most important factors in siting for breweries. Areas in the City of Vista where breweries are permitted by right have shown substantially more brewery growth than areas where a conditional use permit or minor use permit discretionary approval is required.

The San Diego Brewer's Guild Map shows that there are currently no breweries or brewpubs in the City of Lemon Grove. The City of Lemon Grove's proximity to downtown San Diego, East County residential communities, and service from the San Diego Trolley provide a unique opportunity for local breweries and related alcohol manufacturing land uses.

State regulations require alcoholic beverage sales businesses to obtain an Alcoholic Beverage License from the Department of Alcoholic Beverage Control (ABC) with conditions of approval, an Alcohol and Tobacco Tax and Trade Bureau (TTB) permit and registration with the Food and Drug Administration (FDA). A state seller's permit and health permit and approval by the County Hazardous Material's Division and Air Pollution Control District may also be required.

Discussion

Proposed Amendments

The proposed zoning amendment amends the General Commercial zone (Section 17.26.070) to allow brewpubs and wine bars and light manufacturing businesses. A retail storefront is required (e.g., a brewery with a tasting room or merchandise sales). Light manufacturing is currently allowed in other commercial and industrial zones, but does not require a retail component and brewpubs and wine bars are not permitted in these zones. The Draft Downtown Village Specific Plan Expansion will include revisions allowing for light manufacturing throughout the downtown with a retail storefront required along major streets.

For new developments, a planned development permit and City Council approval will continue to be required as follows, but aside from this criteria, the City Council will not review permits for light manufacturing type uses like breweries and brewpubs:

1. Development that includes three or more principal buildings on one site;
2. Development of principal uses on commercial, industrial, and/or mixed use sites of one acre or more; and
3. Development in the Downtown Village specific plan area.

The proposed zoning amendment also amends the Alcoholic Beverage Sales regulations (Chapter 18.27) allowing for alcoholic beverage light manufacturing land uses as incidental alcoholic beverage sales land uses. Existing incidental uses include restaurants selling beer and wine and drug and grocery stores selling alcoholic beverages. Additionally, incidental alcoholic beverage sales land uses are proposed to only require a zoning clearance instead of a minor

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use permit. Through the zoning clearance, such uses will be required to obtain a business license and a building permit for any site improvements and be required to comply with the minimum conditions of approval shown in the Alcoholic Beverage Sales Ordinance and performance standards related to noise, traffic, hazardous materials, airborne emissions, etc. (Section 17.24.080). Other Municipal Code requirements will also apply.

The proposed zoning amendment also permits by-right accessory uses that are common to breweries (e.g., tasting rooms, outdoor consumption in fenced area, catering on-site, live music indoors, recreational activities including games of skill or chance and retail sales for off-site consumption). Food trucks are already permitted on a temporary basis and can only stop when servicing customers. Staff is also recommending that the sale of single-serving alcoholic beverages (e.g., a single 32 ounce beer can or a 40 ounce beer bottle) be prohibited. This may be a minor concern for some alcoholic beverage manufacturers, but this prohibition is consistent with recommendations from the Sheriff's Department.

Concentration of Alcoholic Beverage Sales Businesses

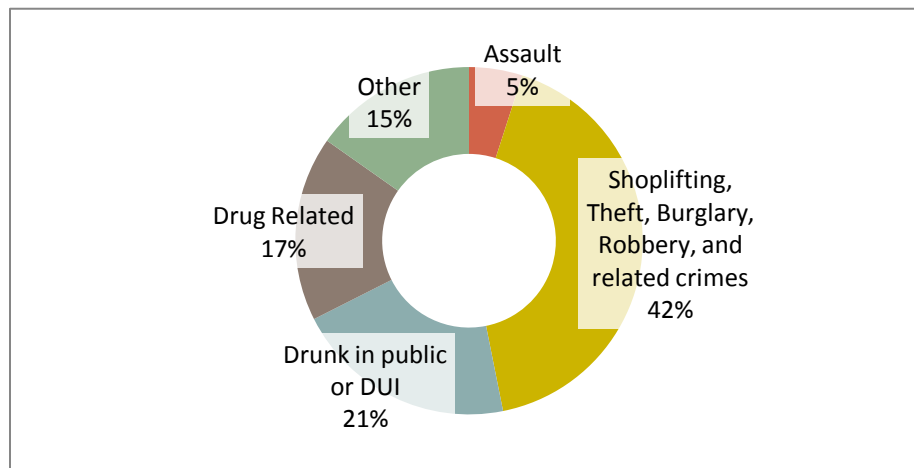
The provision of alcoholic beverage licenses from ABC allows jurisdictions to determine when there is an undue over-concentration of alcoholic beverage sales businesses. ABC measures undue concentration in two ways: excess crime (greater than 20 percent of crime reporting district) and ratios of licenses to residents compared with the county as a whole. Both measurements are considered at the city and census tract level. The City of Lemon Grove is allowed 20 off-sale (sales for consumption off-site) and 35 on-sale (sales for consumption on-site) licenses using ABC's population ratios and the 2010 Census. Currently, 16 off-sale of 20 on-sale have been issued in the City.

Any new off-sale licenses or any licenses in Census Tract 144, which includes the Broadway Commercial Corridor, will require letters of public convenience or necessity from staff. Census tract 144 has a higher crime rate than the City as a whole, largely attributed to its retail commercial and higher density residential land uses. A recent survey was conducted over a six month period in 2015 showed the majority of crimes in the City during the Spring and Summer were theft related (Figure 1).

The relationship between alcohol licenses and crime is illustrated in Figure 1 and Map 1 on the following page. The Alcoholic Beverage Sales Ordinance includes provisions for minimum conditions of approval for all alcohol sales including the volume, advertising, and separation distances from sensitive land uses such as schools. These regulations are used to regulate the type and character of alcohol sales in the City and discourage problem drinking behavior. Because of the separation requirements, new alcohol beverage sales businesses that are not incidental, like liquor stores, bars, night clubs, and convenience store sales will be severely impacted by the existing separation requirements and few if any such businesses will be allowed to open in the future as a result. These separation requirements are proposed to remain since they include more intensive alcohol related uses.

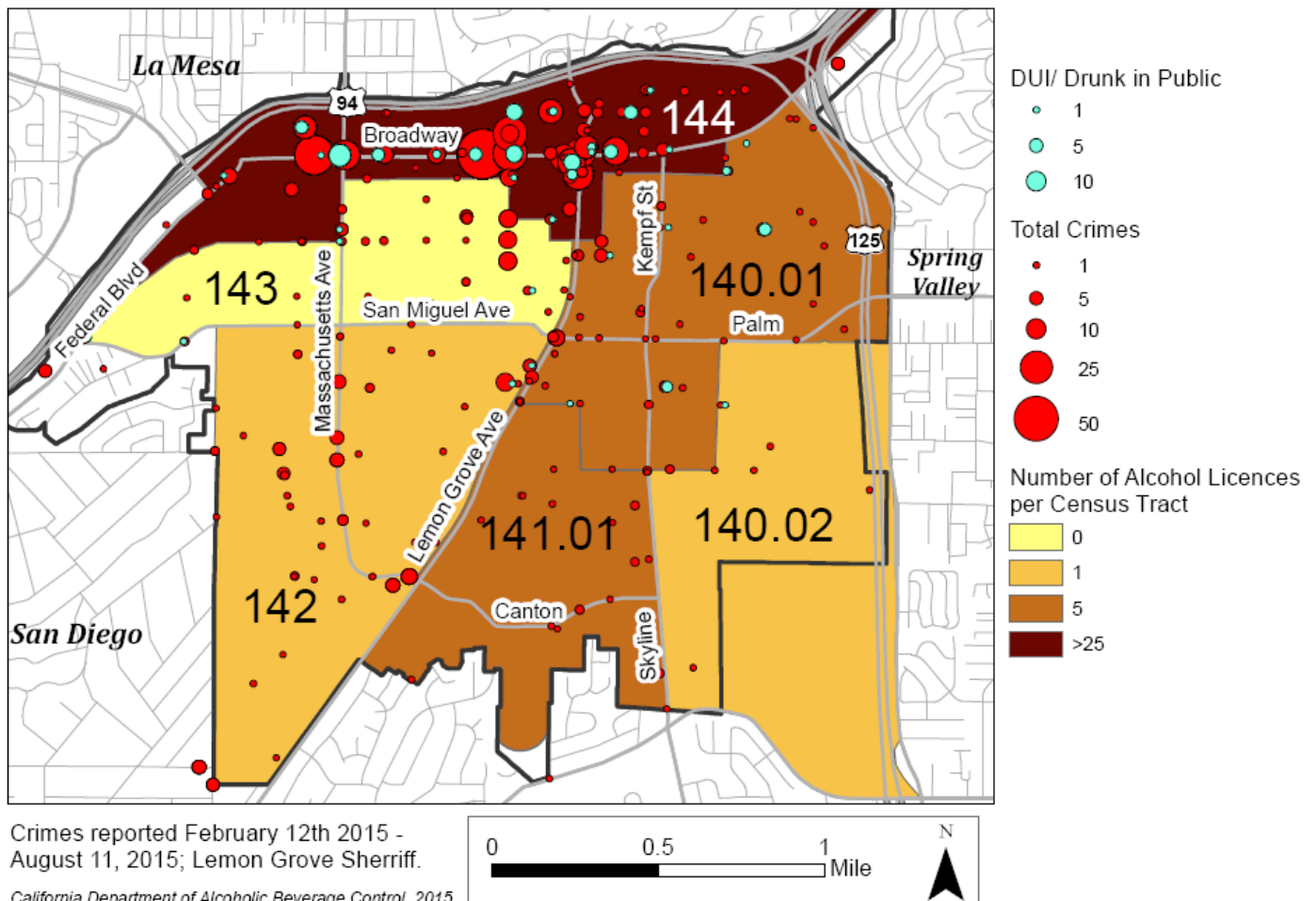
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Figure 1: Crime Typography in Lemon Grove



Source: Crimemapping.org. Crimes Between February 12th – August 11, 2015

**Map 1:
Alcohol Licenses & Related Crime, Lemon Grove, CA**



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The State Department of Alcoholic Beverage Control (ABC) investigates overconcentration and crime statistics within a specific Census Tract. Census Tract 144 is shown on Map 1. ABC has determined that there is an over-concentration of off-sale licenses (two permitted; 10 existing) and that there is a higher than average crime rate (137.9% of average) within Census Tract 144.

As a part of the approval of this ordinance, staff recommends that the City Council find that public convenience or necessity would be served by the issuance of alcoholic beverage sales manufacturing businesses. Staff believes this ABC finding can be made as follows (also described in the draft Resolution of approval (**Attachment B**):

1. For the City as a whole (all census tracts), there are 16 active off-sale alcoholic beverage licenses and approximately 20 off-sale licenses that may be allowed using ABC's population ratio.
2. The majority of alcohol related businesses will continue to be located within Census Tract 144, which is shown to have high crime, however, allowing alcoholic beverage sales manufacturers improves property, increases employment and services to the site thereby increasing "eyes on the street" in the surrounding area and attracts economic development and visitors to the City.
3. The prohibition of single-serving alcoholic beverages will reduce public consumption of alcoholic beverages.]

Public Information:

A Mitigated Negative Declaration (MND) of Environmental Impact has been prepared for this project (**Attachment C**) and will be filed subsequent to the adoption and final approval of the proposed ordinance by the City Council. The Initial Environmental Study prepared for this project identified potential environmental impacts related to noise from indoor live music and outdoor patios. Mitigation measures include compliance with noise regulations, patio areas are required to have appropriate barriers and interior spaces require double entry doorways and appropriate STC rated windows, and a closed window and door condition and a HVAC system is required when live music is proposed. Alternatively, a noise analysis may be prepared to identify appropriate noise mitigations.

The Notice of Public Hearing for this item was published in the March 25, 2017 edition of the East County Californian.

No formal public comments have been received as of the writing of this report.

Conclusion:

[Staff recommends that the City Council: 1) conduct public hearing, 2) introduce Ordinance No. 446 certifying Mitigated Negative Declaration ND17-02 and approving Zoning Amendment ZA1-500-0002 (**Attachment B**).]

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 18.27 (ALCOHOLIC BEVERAGE SALES REGULATIONS) AND SECTION 17.16.070 (GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS) OF THE LEMON GROVE MUNICIPAL CODE TO ALLOW FOR LIGHT MANUFACTURING, BREW PUBS, WINE BARS AND RELATED ACCESSORY USES

WHEREAS, staff has received several inquiries and business license proposals from prospective alcoholic beverage manufacturers to open a related business within the City; and

WHEREAS, allowing and encouraging alcoholic beverage manufacturing and related accessory uses is found to be an important economic development strategy. Alcoholic beverage manufacturers create employment opportunities, revitalize property, stimulate economic development, create regional destinations that attract visitors, and provide increased tax revenue; and

WHEREAS, on June 20, 2017, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, the City of Lemon Grove conducted an environmental assessment for Zoning Amendment ZA1-500-0002 on May 25, 2017. A Mitigated Negative Declaration (MND) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project. The Initial Environmental Study prepared for this project identified potential environmental impacts related to noise from indoor live music and outdoor patios. Mitigation measures included compliance with noise regulations; patio areas are required to have appropriate barriers and interior spaces will require double entry doorways, appropriate STC rated windows with a closed window and door condition and a HVAC system when live music is proposed. A noise analysis may alternatively be prepared to identify appropriate noise mitigations; and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
 - Provisions for alcoholic beverage sales and manufacturing uses include implementation of and consistency with General Plan goals and policies including encouraging redevelopment of the Broadway corridor to attract regional shoppers; fostering revitalization of the light industrial district; pursuing new local entertainment opportunities; cultivating small businesses; and encouraging outdoor dining.
2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.
 - Allowing alcoholic beverage sales manufacturers improves property aesthetics, increases employment and services to the site thereby increasing “eyes on the street” in the surrounding area where the manufacturer is located and attracts economic development and visitors to the City. Also, the prohibition of single-serving alcoholic beverages will reduce public consumption of alcoholic beverages ensuring appropriate

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safety measures are taken to benefit the public health, safety and general welfare of the community; and

WHEREAS, the City Council has considered the following findings of fact, as required by Section 18.27.050 of the Lemon Grove Municipal Code (LGMC) for allowing alcoholic beverage manufacturing businesses with accessory uses within commercial and industrial zones:

1. Whether the proposed use will result in an undue concentration of establishments selling alcoholic beverages as defined by the State Alcoholic Beverage Control Department (ABC) or by City ordinance or policy.
 - The City Council finds that the proposed project will result in an over-concentration of establishments selling alcoholic beverages within Census Tract 144, however, because permits for off-sale alcohol uses in the entire City are less than what is allowed (16 exist; approximately 20 allowed), there will not be an undue concentration for the City as a whole and the proposed zoning amendment will not result in an undue concentration of establishments selling alcoholic beverages in the City.
2. Whether the approval of the proposed use will violate the minimum requirements, set forth in Chapter 18.27, for distance separations between establishments which sell, serve or give away alcoholic beverages; and separations between establishments which sell, serve or give away alcoholic beverages and other specific land uses.
 - The City Council finds that the proposed zoning amendment continues to support separation and minimum requirements to limit alcoholic beverage sales businesses within the City.
3. Whether the proposed use will be located in an area which, based on the most recent yearly compilation by the San Diego County Sheriff's Department or other appropriate law enforcement agency, has experienced a greater than average number of reported crimes and arrests, including those reported as alcohol-related, as well as, criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft combined with all arrests for other crimes, felonies and misdemeanors, except traffic citations.
 - The City Council finds that the City includes Census Tract 144, which is shown to have high crime (137.9% of average), however, the proposed zoning amendment, which includes allowing alcoholic beverage sales manufacturers, improves property aesthetics and encourages redevelopment, increases employment and services to the site thereby increasing "eyes on the street" in the surrounding area where the manufacturer is located and attracts economic development and visitors to the City. Also, the prohibition of single-serving alcoholic beverages will reduce public consumption of alcoholic beverages and is consistent with Sheriff staff public safety recommendations; and

WHEREAS, based on crime statistics and number of alcohol beverage sales licenses within Census Tract 144, the State Department of Alcoholic Beverage Control (ABC) has determined that there is an over-concentration of licenses (two permitted; 10 exist) and that there is a higher than average crime rate in the Census Tract that the subject property is located in (137.9% of average) and as a result, ABC requires that the governing body determine that public convenience or necessity would be served by the issuance of this license.

- The City Council finds that public convenience and necessity would be served by allowing alcoholic beverage sales manufacturers within the City based on findings stated herein; and

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NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code could not have a significant effect on the environment and certifies Mitigated Negative Declaration ND17-02.

SECTION TWO:

Amendments to Chapter 18.27 (Alcoholic Beverage Sales Regulations) and Section 17.16.070 (General Commercial Zoning District Regulations) of the Lemon Grove Municipal Code to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses, are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on June 20, 2017.

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EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Zoning District Regulations for the General Commercial Zone, Section 17.16.070, and to amend the Alcoholic Beverage Sales Regulations, Chapter 18.27, to read as follows:

17.16.070 General commercial (GC) zone. [Excerpts Only]

A. Purpose. The general commercial (GC) zone is available to auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of local and regional shoppers. These regulations establish development standards and conditions through which uses may be located in this zone. All uses shall be subject to the applicable regulations of this title.

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the development services director, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.

2. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.

3. Brewpubs and wine bars as defined by Chapter 18.27.

~~34.~~ Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.

~~45.~~ Business Support. Uses that provide printing, copying, photographic, computer, or technological services.

~~56.~~ Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.

~~67.~~ Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.

~~78.~~ Food and Beverage Establishments with Drive-Through. Uses that prepare, provide, or serve food or beverages for consumption on or off the premises that may include drive-through service. Alcoholic beverage sales shall be subject to LGMC Chapter 18.27.

~~89.~~ Funeral and Mortuary Services—No Assembly Space. Uses that provide services related to the death of a human (without crematoria). This use does not include assembly space.

~~910.~~ Government. Uses related to local, state, or federal government agencies in an office setting.

11. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use requires a retail component along the entire street frontages.

~~40~~12. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods. This use does not include vehicle repair uses.

~~44~~13. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including medical and dental laboratories that can be performed in an office setting.

~~42~~14. Parking. Uses that provide surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.

~~43~~15. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.

~~44~~16. Recreation—Small. Uses or facilities associated with indoor or outdoor, active or passive recreation for indoor occupancies less than fifty persons as determined by the building official and outdoor occupancies less than fifty persons as determined by the community development director.

~~45~~17. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.

~~46~~18. Retail—Antiques. Uses that provide antique goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.

~~47~~19. Vehicle Equipment and Supplies Without Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles. This use does not include on-site installation.

Chapter 18.27 ALCOHOLIC BEVERAGE SALES

18.27.010 Statement of necessity.

A. The city council finds and determines that the sale and use of alcoholic beverages contributes to problems encountered by residents, businesses, property owners, visitors and workers of the city of Lemon Grove. Documented problems include: (1) debilitating and life-threatening medical conditions such as those related to the dysfunction of the heart and circulatory system, stroke and diseases of the liver; (2) social problems such as child and family neglect and abuse, public drunkenness, and lost productivity; (3) public safety issues relating to drunk driving and related automobile traffic and pedestrian accidents, violence and crime.

B. The city council finds and determines that, without the appropriate regulation, the sale, service and use of alcoholic beverages may adversely and seriously affect the peace, health, safety and welfare of residents of the community and may specifically affect the safety of

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children and of visitors to the city, may contribute to the deterioration of neighborhoods, cause devaluation of property, erode community values and lower the quality of life.

C. The city council finds that relatively high densities of alcohol outlets are associated with relatively higher rates of related medical disorders, relatively higher rates of social problems and alcohol-related traffic casualties.

18.27.020 Purpose.

A. To deal with and ameliorate problems and adverse conditions associated with establishments which sell, serve or give away alcoholic beverages by restricting the location of such uses in relation to one another, and their proximity to facilities primarily devoted to use by children and families and the general public, and through the denial of a conditional use permit or through the imposition of conditions on a case by case basis, thereby preventing undue concentration and undesirable community impact of such uses, and by the imposition of reasonable conditions upon the operation of all such uses both existing and in the future.

B. To implement the purposes, policies, and programs of the general plan.

18.27.030 Definitions.

The following words and phrases are specifically defined to apply to the regulations of this chapter. Where words are not defined here or elsewhere in this municipal code, their common meaning shall apply.

A. "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. Alcoholic Beverage Sales, Incidental.

1. Alcoholic beverage sales in restaurants shall be considered incidental if all of the following conditions exist:

- a. Alcoholic beverages are sold for consumption on the premises only;
- b. The primary purpose of the establishment is sit-down dining with table service;
- c. The restaurant contains a fully equipped kitchen, which is utilized each day of business operation for preparation of meals to be served to patrons;
- d. Full food service is available in the restaurant for all hours that the facility, including the bar or cocktail lounge, is open;
- e. Take-out food service, if any, is only incidental to the primary use, sit-down food service;
- f. The restaurant offers no drive-up or drive-through service and does not have a take-out window.
- g. A separate bar or cocktail lounge may be located on the premises ~~(subject to the provisions set forth in Section 17.28.050 conditional use permits, of the city of Lemon Grove development code);~~

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~~h.~~ No alcoholic beverage is served in conjunction with ~~any recreational activity, any game of skill or chance, any athletic event or any form of adult entertainment~~ in accordance with Chapter 18.28.

2. Alcoholic beverage sales in food stores other than convenience markets shall be considered incidental when the shelving or display area allocated to alcoholic beverages does not exceed more than ten percent of the total shelf and display area within the store;

3. Alcoholic beverage sales in drug stores with a floor area greater than ten thousand square feet, with or without the sale of household merchandise, beauty supplies, toiletries, and packaged food products, shall be considered incidental when the shelving or display area allocated to alcoholic beverages does not exceed six percent of the total shelf and display area within the store.

4. Brewpubs, wine bars, rectifiers, and alcoholic beverage manufacturers with accessory on- and off-sale alcoholic beverage sales including, but not limited to, tasting rooms and off-sale alcoholic beverages that are manufactured on-site with catering permitted on-site shall be considered incidental provided performance standards in Section 17.24.080(E) are adhered to.

5. Accessory indoor music and outdoor consumption of alcoholic beverages within a private fenced area shall be considered incidental provided noise regulations within Section 9.24.080(B) are adhered to during the hours between 7 P.M. to 7 A.M.

C. "Brewpub" means a small primary or accessory beer manufacturer, which may include a restaurant, where the alcohol is produced exclusively at its own premises and sold for on- and/or off-site consumption. This operation allows the sale of other supplier's alcohol for consumption on its own premises.

~~GD.~~ "Convenience markets" means, for purposes of this chapter, any store selling food and household merchandise to the public, which has a floor area less than ten thousand square feet.

~~DE.~~ "Establishment" means a place of business with its furnishings and staff which may be regarded as the smallest unit conveyable by sale, rent or lease.

~~EF.~~ "Notice and order" means the community development director's written notice and order to a business or facility owner or operator which directs such owner or operator to comply with city regulations and the specific requirements of the conditional use permit or ~~minor use permit~~ zoning clearance authorizing the operation of the business or facility which sells, serves or gives away alcoholic beverages.

~~FG.~~ "Off-sale liquor establishment" means any establishment wherein alcoholic beverages are sold or given away for consumption off the premises including but not limited to any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control, including types 20 and 21.

H. "On-sale liquor establishment" means any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any establishment which is applying for or has obtained a California Department of Alcoholic Beverage Control license types 41, 42, 47, 48, 51, 52 and 63.

I. "Rectifier" means to cut, blend, rectify, mix, flavor and color distilled spirits and wine upon which excise tax has been paid and, whether rectified by the licensee or another person,

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to package, label, export and sell the products to persons holding licenses authorizing the sale of distilled spirits.

J. “Tasting Room” means an area used for accessory alcoholic beverage retail consumption on the premises where the alcoholic beverages are produced.

K. “Wine bar” means a small primary or accessory wine beverage manufacturer, which may include a restaurant, where the wine is produced exclusively at its own premises and sold for on- and/or off-site consumption. This operation allows the sale of other supplier’s alcohol for consumption on its own premises.

H.L. Substantial Change in Mode or Character of Operation. Any of the following actions or situations will constitute a “substantial change in mode or character of operation” for purposes of this chapter:

1. The establishment changes its type of retail liquor license within a license classification; or

2. The establishment ceases operation for a period of thirty-one days. The suspension of business during the diligent prosecution of building repairs or remodeling undertaken under the authority of a valid building permit shall not be considered a substantial change in the mode or character of operation if the repairs or remodeling do not change the nature of the licensed premises and do not increase the square footage of the area which constitutes the establishment;

3. Any addition exceeding ten percent of the existing floor area is made to the building or portion of a building occupied exclusively by a business which sells or serves alcoholic beverages and which would be subject to approval by conditional use permit, if being established as a new use;

4. Any modification, remodeling or renovation of an existing building, or portion thereof, occupied exclusively by a business or facility which sells or serves alcoholic beverages, when the value of such modification, remodeling, or renovation exceeds fifty percent of the replacement value of the subject premises as determined by the building official;

5. The establishment is found to be a public nuisance by the city council;

6. The California Department of Alcoholic Beverage Control has held a formal hearing regarding accusations of violations, by the establishment, of ABC rules and has determined that such violations have occurred.

H.M. Timely Compliance.

1. For all violations involving the unauthorized enlargement or physical modification to the existing building, facility or outdoor service area, timely compliance means complete removal of the physical modifications which constitute the violation or submittal of detailed working drawings sufficient for an application for building permit and a complete application for modification of the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the business or facility. Evidence of the complete removal of unauthorized work, or the working drawings and complete application shall be filed in the office of the ~~community~~ community development services department within fifteen calendar days following the receipt of the ~~community~~ development services director’s notice and order by the owner, operator or employee-in-charge of the business or facility.

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2. For all violations, other than those described in subsection ~~HL~~ of this section, such as, but not limited to, the sale or display of unauthorized fortified wines, the display of unauthorized advertising signs, exceeding shelf area limitations; “timely compliance” means full compliance within twenty-four hours following receipt of the ~~community development services~~ director’s notice and order by the owner, operator or employee-in-charge of the business or facility.

18.27.040 General provisions.

A. Alcoholic Beverage Sales or Service, New and Substantial Changes. Except as otherwise stated herein, on and after the effective date of the ordinance creating this chapter, no place, facility or business wherein alcoholic beverages are sold, served or given away for on-site or off-site consumption, shall be established or shall affect a “substantial change” in mode or character of operation as defined in Section 18.27.030(G) without first obtaining a conditional use permit, or modification of an existing conditional use permit, pursuant to Section 17.28.050 of the zoning ordinance. A ~~minor use permit, or modification of a minor use permit,~~zoning clearance shall be required if alcoholic beverage sales or services are “incidental” as defined in Section 18.27.030(B).

B. Alcoholic Beverage Sales or Service, Not Authorized by CUP or ~~MUP~~zoning clearance. Except for those places, businesses and facilities described in subsection A of this section as an establishment having a conditional use permit or ~~minor use permit~~zoning clearance and being in full or substantial compliance with current requirements, on and after the effective date of the ordinance creating this chapter, all existing places wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption shall be considered nonconforming uses. Elimination of nonconforming status may be achieved by filing the appropriate application, receiving a conditional use permit or ~~minor use permit~~zoning clearance as required by this chapter, and complying with conditions of approval which shall be limited to the minimum conditions of approval as set forth in Sections 18.27.060(A) and (B). These requirements shall be enforced according to the provisions of subsection C of this section. For existing businesses selling alcoholic beverages, the requirements of this chapter relating to minimum separations between the existing business, similar establishments and other specific land uses shall be waived.

C. Alcoholic Beverage Sales or Service—Enforcement. The alcoholic beverage sales ordinance shall be enforced according to the provisions of Section 18.27.120 of the development code and Section 17.28.020 of the zoning ordinance. (Ord. 386 § 3, 2009)

18.27.050 Findings.

In addition to the findings required for the granting of conditional use permits by Section 17.28.050 of the zoning ordinance, the decision making authority shall consider the following:

A. Whether the proposed use will result in an undue concentration of establishments selling alcoholic beverages as defined by the state Alcoholic Beverage Control Department (ABC) or by city ordinance, resolution, or policy.

B. Whether the approval of the proposed use will violate the minimum requirements, set forth in this chapter, for distance separations between establishments which sell, serve or give

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away alcoholic beverages; and separations between establishments which sell, serve or give away alcoholic beverages and other specific land uses.

C. Whether the proposed use will be located in an area which, based on the most recent yearly compilation by the San Diego County sheriff's department or other appropriate law enforcement agency, has experienced a greater than average number of reported crimes and arrests, including those reported as alcohol-related, as well as, criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft combined with all arrests for other crimes, felonies and misdemeanors, except traffic citations. (Ord. 386 § 3, 2009)

18.27.060 Minimum conditions of approval.

A. Businesses or facilities providing alcoholic beverages for off-site consumption shall comply with the following minimum conditions of approval. However, the ~~planning commission, or city council on appeal,~~ may impose such additional conditions and restrictions as found necessary or desirable to achieve the purposes of this chapter.

1. No alcoholic beverages shall be consumed on the premises under the control of the business owner or the property owner, excepting when alcoholic beverages are manufactured on the premises.

2. Adequate litter receptacles shall be provided.

3. All display of alcoholic beverages shall be located a minimum of five feet from the store entrance.

4. For establishments which sell or give away alcoholic beverages and also sell gasoline, no signs advertising alcoholic beverages may be visible from the exterior of the building. Except for liquor stores, the signage for which shall be governed by conditional use permit and the city sign ordinance, signage advertising alcoholic beverages for all other establishments selling alcoholic beverages for off-premises consumption shall be limited to no more than fifty percent of the temporary window display permitted by the sign ordinance (twelve and one-half percent of total window area). Not more than two neon signs which hang on the inside of a window may be permitted subject to, and deducted from, the area limitations established in this subsection. No reference to liquor, any alcoholic beverage or product, or alcoholic beverage brand name may be included in any permanent signage for any establishment selling alcoholic beverages for off-site consumption other than that displayed by liquor stores or alcoholic beverage manufacturers when they are on the premises.

5. No wine shall be displayed, sold or given away in containers of less than seven hundred ml, except multipack containers of wine and wine coolers containing no more than ~~six~~fifteen percent alcohol by volume.

6. No distilled spirits shall be displayed, sold or given away in containers of less than two hundred fifty ml, except two-hundred-ml pre-mixed cocktails.

7. The display, sale or distribution of fifty ml "airport bottles" and three-hundred-seventy-five ml "hip flask" containers is prohibited.

8. No single-serve beer, ale or malt liquor shall be offered for sale in a container with a volume greater equal to or less than ~~thirty-two~~forty ounces. This restriction is not intended to

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prohibit the sale of such beverages in kegs or other types of containers, ~~with a volume of two or more gallons,~~ which are clearly designed to dispense multiple servings.

9. No wine with an alcoholic content greater than fifteen percent by volume shall be displayed, sold or given away unless the following conditions are met:

- a. The alcohol content is solely the result of the natural fermentation process; or
- b. If the alcohol content resulting from natural fermentation has been increased by the addition of wine spirits, brandy, or other alcohol, the wine must be sealed and capped by cork closure and aged for two or more years.

10. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day this business is open.

11. The operation of the business shall comply fully with all the rules, regulations and orders of the state Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~ zoning clearance.

12. The business shall comply with all of the conditions of the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes its operation.

13. For all businesses other than liquor stores, brewpubs, wine bars, rectifiers and manufacturing, warehouse, and distribution facilities, the display, sale and distribution of alcoholic beverages shall be accessory to other permitted activities. Except where Section 18.27.030(B)(3) requires a greater limitation, shelving or other display area allocated to the display of alcoholic beverages shall not exceed ten percent of the total shelf or display area within the premises.

14. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

15. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, ~~barrel~~ or similar container.

16. Employees engaged in the sale or distribution of alcoholic beverages shall be at least twenty-one years old, or at least one salesperson twenty-one years old or older must be on the premises during all times when alcoholic beverages are sold.

17. Businesses engaged in the sale or distribution of alcoholic beverages for off-site consumption shall maintain a minimum separation of five hundred feet from any other business required to have a conditional use permit for the sale of alcoholic beverages. This subdivision shall not apply to incidental alcoholic beverage sales and the following:

- ~~1. Warehouses, and distribution facilities;~~
- ~~2. Food or drug stores engaged in the incidental sale of alcoholic beverages as defined in Section 18.27.030(B).~~

B. Businesses providing the sale or service of alcoholic beverages for on-site consumption shall comply with the following minimum conditions of approval. However, the ~~planning commission, or city council on appeal,~~ may impose such additional conditions and restrictions as are found necessary or desirable to achieve the purposes of this chapter.

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1. Except within city-approved outdoor ~~eating~~ places which are adequately separated from direct public access via a fence or other means, no alcoholic beverages shall be consumed outside of an enclosed building.

2. For restaurants, bars, taverns and cocktail lounges, signs advertising alcoholic beverages shall be limited to no more than fifty percent of the temporary window display permitted by the sign ordinance (twelve and one-half percent of total window area). Not more than two neon signs which hang on the inside of a window may be permitted subject to, and deducted from, the area limitations established in this subsection.

3. Except for manufacturers, brewpubs, wine bars and rectifiers, ~~No~~ reference to liquor, any alcoholic beverage or product, or alcoholic beverage brand name may be included in any permanent signage for any establishment selling alcoholic beverages for on-site consumption other than that displayed by bars, taverns and cocktail lounges.

No wine with an alcoholic content greater than fifteen percent by volume shall be displayed, sold or served unless the following conditions are met:

- a. The alcohol content is solely the result of the natural fermentation process; or
- b. If the alcohol content resulting from natural fermentation has been increased by the addition of wine spirits, brandy, or other alcohol, the wine must be sealed and capped by cork closure and aged for two or more years.

4. All litter shall be removed from the exterior of the building as required and no less frequently than once each day the business is open.

5. The operation of the business or facility shall comply fully with all the rules, regulations and orders of the state Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~ zoning clearance.

6. For all businesses and other facilities engaged in the sale or service of alcoholic beverages for on-site consumption other than bars and taverns, the sale of alcoholic beverages shall be incidental and accessory to other permitted activities.

7. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least twenty-one years old.

8. Except for ~~restaurants with incidental on-site alcoholic beverage sales~~ businesses for on-site consumption, businesses engaged in the sale or service of alcoholic beverages for on-site consumption shall maintain a minimum separation of one thousand feet from another business selling or serving alcoholic beverages for on-site consumption and a minimum of five hundred feet from any other business requiring a conditional use permit for the on-site or off-site sale or service of alcoholic beverages; any church or other place of worship; any public or private preschool, elementary school or high school; any public park or playground; any hospital, clinic, or other health care facility; any residential unit other than a caretaker's dwelling on a commercial or industrial property; and any property zoned for residential use. Except that existing businesses that serve alcohol and that were located closer than five hundred feet or one thousand feet from another business serving alcohol prior to adoption of the ordinance codified in this chapter shall be allowed to expand their business as long as the expansion does not violate the distance requirements from any of the designated sensitive uses identified in this section above. Based upon the particular circumstances involved, the ~~planning commission~~ City

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Council shall determine the appropriate separation between private clubs and lodges operated by recognized national, state or regional religious or fraternal order and appropriate distances between such clubs and lodges and other types of land use.

18.27.070 Measurement of distance.

A. Types of Uses.

1. “Regulated uses” are those businesses and facilities which sell, serve or give away alcoholic beverages and which have been identified in Sections 18.27.060(A)(16) and 18.27.060(B)(8).

2. “Protected uses” are churches or other places of worship; any public or private preschool, elementary school or high school; any park or playground; any hospital, clinic, or other health care facility; any residential unit other than a caretaker’s dwelling on a commercial or industrial property; and any property zoned for residential use.

B. Distance Computation.

1. When a physical separation is required between two regulated uses, the distance of such separation is measured along a straight line extending between the closest exterior structural walls of each use.

2. When a physical separation is required between a regulated use and a protected use, the distance of such separation is measured along a straight line extending between the closest exterior structural wall of the regulated use and the closest property line of the protected use.

18.27.080 Notification to alcoholic beverage control department.

A. Within five days following the city’s approval of a conditional use permit or ~~minor use permit~~ zoning clearance for a business proposing to sell, serve or give away alcoholic beverages, the city will send a written notice of such approval to the local office of the State Alcoholic Beverage Control Department.

1. The notice shall include a copy of the resolution or notice of approval and will state that city approval of the business or other facility proposing to sell, serve or give away alcoholic beverages has been granted subject to compliance, by the business or facility, with certain specific conditions.

2. The notice shall indicate the final date for the filing of any appeals from the decision or conditions of approval.

3. The notice shall state clearly in its heading and text that formal city approval of the business or facility which proposes to sell, serve or give away alcoholic beverages will be withheld until the business has complied with all appropriate conditions of approval.

B. Within three working days of the city’s determination that a business proposing to sell alcoholic beverages has fully complied with all appropriate conditions of approval of a conditional use permit or ~~minor use permit~~ zoning clearance, a notice regarding such full compliance will be sent to the local ABC office.

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18.27.090 Notification regarding violations.

Each time the ~~community development~~ services director determines that a business or other facility which sells, serves or gives away alcoholic beverages has violated any provision or condition of its conditional use permit, ~~minor use permit~~ zoning clearance, other city law or regulation, or any requirement of the state Alcoholic Beverage Control Department, it shall issue a written notice and order to the owner of the business or facility. The notice and order shall include the following:

A. A requirement that the business owner or facility operator correct all violations immediately.

B. A statement that a violation of the alcoholic beverage sales ordinance constitutes a misdemeanor subject to the general penalty provisions of this code, that conviction of a misdemeanor shall be punishable by fine or imprisonment or both such fine and imprisonment, and that each day a violation is committed or continued constitutes a separate offense.

C. A statement that, in addition to the penalties stated in Section 18.27.080, failure to comply in a timely manner or repeated violations may result in a revocation of the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the maintenance of an establishment selling, serving or giving away alcoholic beverages.

D. A notification that a written report of such violation or violations has been transmitted to both the owner of the property where the business or facility is being conducted or operated and to the local office of the Alcoholic Beverage Control Department.

18.27.100 Justification for revocation of approvals.

Any business establishment which has been authorized by the city to sell, serve or give away alcoholic beverages shall comply fully with all city zoning and sign regulations, with all conditions attached to the approval of its conditional use permit or ~~minor use permit~~ zoning clearance, and with all rules, regulations and orders of the State Alcoholic Beverage Control Department. Failure to comply with any of these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~ zoning clearance.

18.27.110 Hearing regarding alleged violations.

If a business or other facility which sells, serves or gives away alcoholic beverages has been declared a public nuisance; if it has been found, by the California Department of Alcoholic Beverage Control, to be in violation of ABC rules; if its owner or operator fails to comply or refuses to comply with a notice and order to correct a violation in a timely manner; or if the ~~community development~~ services director, on three separate occasions within any twelve-month period, has issued a written notice and order to the owner of said business or operator of the facility, pursuant to Section 18.27.080, requiring the correction of specific violations of its conditional use permit or ~~minor use permit~~ zoning clearance; the ~~planning commission~~ City Council will schedule a public hearing, consistent with the requirements of Section 17.28.020 of the zoning ordinance to consider these matters. Following such public hearing, the ~~planning commission~~ City Council may make any findings which it believes to be supported by the facts presented in the hearing, including the following:

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A. It may find that the alleged violation(s) did not occur, were beyond the control of the business owner or facility operator, or were insignificant.

B. It may find that the alleged violation(s) did occur, that they were the responsibility of the business owner or facility operator, and were significant. As part of its determination regarding the appropriate action to be taken, the ~~planning commission~~ City Council may consider whether the violations were corrected immediately after being brought to the owner's or facility operator's attention, whether such violations constitute a minor or major violation of this chapter and its purpose and intent, and whether such violations appear to constitute a pattern of disregard for the city's laws and the standards of the community. (Ord. 386 § 3, 2009)

18.27.120 City actions in response to violations.

If, after a public hearing and full examination of the evidence regarding alleged violations of the city's regulations governing the sale, service or distribution of alcoholic beverages, the ~~planning commission~~ City Council makes findings similar to those stated in Section 18.27.110(A) it may choose to take no action against the owner of the subject business or operator of the subject facility. However, if the evidence submitted in the public hearing convinces the ~~planning commission~~ City Council that a significant violation has occurred, it may take one or more of the following actions:

A. Imposition of additional conditions governing the physical design of the building or property where the business is conducted or the facility is operated.

B. Attachment of additional conditions or limitations affecting the operations of the business or facility.

C. The ~~planning commission~~ City Council may determine that the business or facility, and its manner of operation, constitutes a serious threat to the preservation of the public health, safety and welfare and may take one or both of the following actions:

1. It may revoke the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the business or facility to sell, serve or give away alcoholic beverages.

2. It may recommend that the city council declare that the business or facility is a public nuisance subject to abatement or enjoinder in the manner provided by law.]

**INITIAL STUDY / ENVIRONMENTAL CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. ND17-02
FOR ZONING AMENDMENT ZA1-500-0002
CITY-WIDE
LEMON GROVE, CALIFORNIA**

Prepared by:
Lemon Grove Planning Division Staff
3232 Main Street
Lemon Grove, CA 91945
(619) 825-3805

May 25, 2017

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City of Lemon Grove Initial Study / Environmental Checklist

This Initial Study / Environmental Checklist has been prepared pursuant to the California Environmental Quality Act (CEQA) [Public Resources Code §21000, et seq.] and the 2016 State CEQA Guidelines [California Code of Regulations §15000, et seq.]. This Initial Study / Environmental Checklist determines that the project will result in no impacts or less than significant impacts (with mitigation) on the environmental resources and issues evaluated herein, and hence would not have a significant impact on the environment.

This document is being made available for a 20-day public review comment period, beginning May 25, 2017 and ending June 14, 2017. Comments regarding this Initial Study/ Environmental Checklist must be made in writing to: David De Vries, Development Services Director, City of Lemon Grove, 3232 Main Street, Lemon Grove, California 91945. Comments must be received by 5:00 P.M. on the last day of the public review period.

- 1. Project Title:** Alcoholic Beverage Sales Ordinance Amendment; ZA1-500-0002, ND17-02
- 2. Lead Agency Name and Address:** City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
- 3. Contact Person and Phone Number:** David De Vries
Development Services Director
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
(619) 825-3812
- 4. Project Location:** City wide, Lemon Grove, CA 91945
- 5. Project Applicant:** City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
- 6. General Plan Designation:** City wide
- 7. Zoning Designation:** City wide
- 8. Project Description:**

This project includes implementing changes to the Municipal Code to allow for, as permitted uses, alcoholic beverage manufacturers with on-site alcoholic beverage sales and consumption, alcoholic beverage sales for off-site consumption, and other accessory uses provided certain performance standards are adhered to within commercial and industrial zoning districts.
- 9. Setting and Surrounding Land Uses:**

The project area includes all existing and potential areas in the City. The City is mostly residential with a mix of other land uses. Very few undeveloped parcels remain in the City.

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To the north is the State Route 94 and the Cities of La Mesa and San Diego. To the east is the State Route 125 and the County of San Diego (Spring Valley community). To the south and west is the City of San Diego. The existing landscape consists of native and ornamental vegetation.

10. Approvals Required:

Zoning Amendment ZA1-500-0002 including modifications to Chapter 18.27 (Alcoholic Beverage Sales) and Section 17.16.070 (General Commercial Zoning District Regulations) of the Lemon Grove Municipal Code.

11. Other public agencies whose approvals are required (e.g., permits, financing approval, or participation agreement):

Department of Fish and Game.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Based upon the initial evaluation presented in the following Initial Study / Environmental Checklist, it is concluded that the Project **would** result in the following potentially significant adverse environmental impacts to the following resource areas:

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this initial evaluation: (To be completed by the Lead Agency)

- ☐ I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

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EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur then, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration pursuant to Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

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7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Impact Terminology

The following terminology is used to describe the potential level of significance of impacts:

- A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular resource in any way.
- An impact is considered a ***less than significant impact*** if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that it would not cause substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered a ***potentially significant impact*** if the analysis concludes that it could have a substantial adverse effect on the environment and requires mitigation.

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I. AESTHETICS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-d: No Impact. No construction is proposed as a part of this project. This project includes amendments to the Municipal Code unrelated to land development.

Source: 1, 2, 3, 4, 5

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II. AGRICULTURAL AND FOREST RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a–e: No Impact. No construction is proposed as a part of this project. The project is not expected to result in conflicts with applicable air quality plans or standards. Therefore, the project would not convert Important Farmland, conflict with agricultural zoning, or otherwise cause the conversion of farmland or forest land to non-agricultural/non-forest use. The project would have no agricultural resource impact.

Source: 1, 2, 3, 4, 11

III. AIR QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-e: Less Than Significant Impact. No construction is proposed as a part of this project. No significant impact on air resources is likely to occur. While the proposed project may result in a slight increase in vehicular traffic and a slight increase in air quality impacts to the region, the Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates vehicular air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts of buildout of the Lemon Grove General Plan will remain significant and unmitigated. However, this project is not likely to result in a cumulatively considerable net increase of any criteria pollutant. In conformance with the General Plan MEIR, all existing buildings must be tested for asbestos prior to demolition and all necessary treatment implemented if identified. Standard conditions of project approval will require the control of dust during site grading and construction. During construction, diesel equipment may generate some nuisance odors; however, due to best management practice requirements to control dust and odors, odors associated with project construction would not be significant. As a commercial and industrial use, future projects will be evaluated as it relates to the generation of objectionable odors.

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Section 15125(d) of the CEQA Guidelines contains specific reference to the need to evaluate any inconsistencies between the proposed project and the applicable air quality management plan, i.e., the San Diego Regional Air Quality Strategy (RAQS). Included in the RAQS are transportation control measures (TCMs). The RAQS and TCM set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The primary concern for assessing impacts on the RAQS is whether the project is consistent with the growth assumptions used to develop the plan.

San Diego Air Pollution Control District (SDAPCD) relies on land use designations contained in local general plan documents and the San Diego Association of Governments (SANDAG) regional transportation plans to prepare air quality plans. SDAPCD refers to approved general plans to forecast, inventory, and allocate regional emissions from land use and development-related sources. These emissions budgets are used in statewide air quality attainment planning efforts. As such, a project is inherently consistent if it proposes development in conformance with a given General Plan land use designation. Projects that propose development that is greater than anticipated in the growth projections warrant further analysis to determine consistency with RAQS and the State Implementation Plan (SIP). This analysis will be done as a part of future projects.

Source: 1, 2, 3, 4, 6, 8, 9, 10, 13, 14

IV. BIOLOGICAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-f: No Impact. No construction is proposed as a part of this project. The MEIR for the City of Lemon Grove's General Plan confirms there are limited known sensitive biological resources, riparian habitat, or wetlands within the project area. Future development projects within these areas will require environmental review and appropriate technical analysis to determine environmental impacts.

Source: 1, 2, 3, 4

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V. CULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074 as either: 1) a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Resources Code section 5024.1 (c), and considering the significance of the resource to a California Native American tribe.				

Explanation of Checklist:

a-e: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Tribal consultation was not requested for this project since no development or construction activity is proposed.

Source: 1, 2, 3, 4, 6, 13

VI. GEOLOGY AND SOILS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a: Less than Significant Impact. . No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The City is located within the seismically active southern California region. The Rose Canyon Fault Zone is the nearest active fault system to the project site and lies approximately eight miles to the west. The geotechnical evaluation from the General Plan MEIR further indicates that there are no known active faults crossing the City. Given the proximity of the Rose Canyon fault system, a strong earthquake on this fault could produce severe ground shaking, but would be unlikely to produce ground rupture. Despite the potential of the Rose Canyon fault system to produce severe ground shaking at the project site, impacts to the project would be reduced through adherence to requirements specified in the Alquist–Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and all development regulations of the City. Compliance with these building standards would minimize impacts associated with seismic hazards.

b-e: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The project would be served by the City’s wastewater system and would not require the use of septic systems. No impact related to septic system soil issues would occur. Typical erosion control measures will be required during site grading. Standard conditions of approval for future development projects will require best management practices.

Source: 1, 2, 3, 4, 5, 7

VII. GREENHOUSE GAS EMISSIONS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of Checklist:

a–b: Less Than Significant Impact.

No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Analysis will require investigation to determine if future development is below the threshold of significance established by the Californian Air Pollution Control Officers Association (CAPCOA) for greenhouse gas emissions. Pursuant to California Assembly Bill 32, the State must reduce greenhouse gas emissions by at least 16% in order to roll back the level of emissions for the year 2020 to those levels that existed in 1990. CAPCOA has determined that any project which generates less than 900 metric tons of CO₂-equivalent emissions per year is below the level necessary to achieve the 16% reduction in anticipated state-wide emissions for the year 2020 under the “business as usual” scenario.

During future grading and project construction, a temporary increase in operational emissions may occur. Operational emissions may include mobile source emissions and building emissions. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices. The impacts are expected to be less than significant.

Source: 1, 2, 3, 4, 6, 8, 9, 10, 13, 14

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VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a–h: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues and will require compliance with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.

Source: 1, 2, 3, 4

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IX. HYDROLOGY AND WATER QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-j: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues.

The City is located approximately 9 miles from the nearest shoreline of the Pacific Ocean at an elevation of approximately 380 feet above sea level. As such there is no threat to the site from seiche, tsunami, or mudflow.

Source: 1, 2, 3, 4

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X. LAND USE AND PLANNING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-c: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The project will not divide the community. The proposed project is consistent with the commercial and industrial General Plan land use designations. There are no habitat conservation or mitigation plans in effect within the City.

Source: 1, 2, 3, 4

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XI. MINERAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-b: No Impact. There are no known mineral resources of significance or categorized as locally important within the City. As a result, there would be no impact to mineral resources associated with implementation of the project.

Source: 1, 2, 3, 4

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XII. NOISE

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a: Less Than Significant Impact with Mitigation. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The project may result in outdoor patios and indoor live music operations. Mitigation measures will require compliance with the City's Noise Abatement and Control Ordinance (Chapter

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9.24). Patio areas are required to have appropriate barriers and interior spaces will require double entry doorways and appropriate STC rated windows, a closed window and door condition, and a HVAC system when live music is proposed. Alternatively, a noise analysis may be prepared. Standard conditions require compliance with interior noise restrictions of 45 decibels or less of exposure in a closed window and door condition. Exterior patio areas will be encouraged to be located on building faces opposite freeways or major roads or provide appropriate noise attenuation features as appropriate to limit exterior noise exposure. The MEIR for the General Plan states that projects with existing noise levels below 60 dB CNEL are normally acceptable or satisfactory for the area and no conditions are required. The General Plan MEIR further states that noise studies are required for projects exceeding 60 dB CNEL. Conformance with the City's Noise Abatement and Control ordinance is also required for operation of any single or combination of powered construction equipment at any construction site.

b-d: Less than Significant Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The proposed project will not expose persons to, or generate, excessive ground borne vibration or ground borne noise levels. Construction activities may create minor ground borne vibrations during the construction process, but any such vibrations would be temporary in nature and less than significant.

e-f: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The project area is more than six miles from the nearest airport, and more than nine miles from the nearest private air strip.

Source: 1, 2, 3, 4

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XIII. POPULATION AND HOUSING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a-c: No Impact. No construction or demolition is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The proposed development is located in an urbanized area. The project proposes no housing and no housing will result from the project and would not indirectly induce growth.

Source: 1, 2, 3, 4

XIV. PUBLIC SERVICES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of Checklist:

a(i-v): Less Than Significant Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Since other alcoholic beverage uses are currently permitted in commercial and industrial areas, impacts are anticipated to be less than significant as it relates to impacts on protection and services.

The project is located in an urbanized community well served with sewer and water lines, streets, storm drains and other public utilities. In addition, the project site is served by Heartland Fire & Rescue, a joint powers authority delivering fire protection and emergency medical services to the cities of El Cajon, Lemon Grove, and La Mesa. Police protection is provided by the San Diego County Sheriff's office in Lemon Grove.

Source: 1, 2, 3, 4

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XV. RECREATION

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

a–b: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The proposed project will not cause a significant increase in the demand on recreational services in the community.

Source: 1, 2, 3, 4

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XVI. TRANSPORTATION / TRAFFIC

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Explanation of Checklist:

a–f: No Impact.

No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Based on the San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE) document *SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region*, a Traffic Impact Study is not required when the project's trip generation is calculated to be less than 1,000 ADT and less than 100 peak hour trips.

Requirements for parking and emergency access will be required to be adhered to.

Source: 1, 2, 3, 4, 10, 13, 14

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Explanation of Checklist:

a–g: No Impact.

No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Properties within the City are served by the City of Lemon Grove Sanitation District. Standard conditions of approval for future projects will require that the project obtain sewer permits, pay sewer service and connection fees, and connect to the Sanitation District. Standard conditions of approval will require that a future project construct improvements consistent with City Engineering requirements and provide storm water facilities in conformance with the Municipal Code and Jurisdictional Runoff Management Program.

The proposed project will not result in a significant increase in demand for domestic water supplies. Standard conditions of approval for future projects will require that the project obtain water service permits, pay the water service and connection fees, and connect to the Helix Water District.

Compliance with all federal, state, and local statutes and regulations regarding solid waste will also be required.

Source: 1, 2, 3, 4

Attachment C

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of Checklist:

a: No Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. The proposed project will not degrade the quality of the environment.

b-c: Less Than Significant Impact. No construction is proposed as a part of this project. Future development resulting from these Municipal Code amendments will require investigation as it relates to these issues. Since other alcoholic beverage uses

Attachment C

are currently permitted in commercial and industrial areas, impacts are anticipated to be less than significant as it relates to cumulative impacts and impacts on human beings.

XIX. DETERMINATION AND PREPARERS

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION

(Fish and Game Code Section 711.4, Statutes of 2006 – SB 1535)

- ☒ [X] It is hereby found that this project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- ☐ [] It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Game Code shall be paid to the County Clerk.

XX. REFERENCES

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents listed below are hereby incorporated by reference. The pertinent material is summarized throughout this Initial Study / Environmental Checklist where that information is relevant to the analysis of impacts of the Project. The following references were used in the preparation of this Initial Study / Environmental Checklist and are available for review at the City Hall located at 3232 Main Street, in Lemon Grove.

<u>Reference #</u>	<u>Document Title</u>
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the Lemon Grove General Plan
3.	City of Lemon Grove Municipal Code
4.	ZA1-500-0002 Application Packet
5.	Caltrans Scenic Highway website: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/
6.	San Diego Air Pollution Control District's Regional Air Quality Standards (RAQS) available at: http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning.html
7.	Department of Conservation's Alquist-Priolo Earthquake Fault Zoning Map available at: http://www.conservation.ca.gov/cgs/rghm/ap
8.	CAPCOA White Paper, published January, 2008.
9.	California Environmental Protection Agency Cortese List Data Resources available at: http://www.calepa.ca.gov/sitecleanup/corteselist/
10.	SANDAG Brief Guide of Vehicular Traffic Generation Rates available at: http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf
11.	Department of Conservation, Farmland Mapping and Monitoring Program website: http://www.conservation.ca.gov/dlrp/fmmp
12.	FEMA Flood Insurance Rate Map Panel No. 06073C1910G May 16, 2012
13.	SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region
14.	Caltrans Guide For The Preparation of Traffic Impact Studies

Individuals and Organizations Consulted

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